



Rep. Lou Lang

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09800SB2991ham002

LRB098 16790 AMC 60383 a

1 AMENDMENT TO SENATE BILL 2991

2 AMENDMENT NO. _____. Amend Senate Bill 2991, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Compassionate Use of Medical Cannabis Pilot
6 Program Act is amended by changing Sections 105 and 130 as
7 follows:

8 (410 ILCS 130/105)

9 (Section scheduled to be repealed on January 1, 2018)

10 Sec. 105. Requirements; prohibitions; penalties for
11 cultivation centers.

12 (a) The operating documents of a registered cultivation
13 center shall include procedures for the oversight of the
14 cultivation center, a cannabis plant monitoring system
15 including a physical inventory recorded weekly, a cannabis
16 container system including a physical inventory recorded

1 weekly, accurate record keeping, and a staffing plan.

2 (b) A registered cultivation center shall implement a
3 security plan reviewed by the State Police and including but
4 not limited to: facility access controls, perimeter intrusion
5 detection systems, personnel identification systems, 24-hour
6 surveillance system to monitor the interior and exterior of the
7 registered cultivation center facility and accessible to
8 authorized law enforcement and the Department of Financial and
9 Professional Regulation in real-time.

10 (c) Except in a municipality with a population of 500,000
11 or more or an area certified as a River Edge Redevelopment Zone
12 under Section 10-5.3 of the River Edge Redevelopment Zone Act,
13 a ~~A~~ registered cultivation center may not be located within
14 2,500 feet of the property line of a pre-existing public or
15 private preschool or elementary or secondary school or day care
16 center, day care home, group day care home, part day child care
17 facility, or an area zoned for residential use. The proper
18 zoning authority in a municipality with a population of 500,000
19 or more or an area certified as a River Edge Redevelopment Zone
20 under Section 10-5.3 of the River Edge Redevelopment Zone Act
21 may adopt its own zoning requirements with regard to the
22 location of a registered cultivation center and its proximity
23 to a pre-existing public or private preschool or elementary or
24 secondary school or day care center, day care home, group day
25 care home, part day child care facility, or area zoned for
26 residential use.

1 (d) All cultivation of cannabis for distribution to a
2 registered dispensing organization must take place in an
3 enclosed, locked facility as it applies to cultivation centers
4 at the physical address provided to the Department of
5 Agriculture during the registration process. The cultivation
6 center location shall only be accessed by the cultivation
7 center agents working for the registered cultivation center,
8 Department of Agriculture staff performing inspections,
9 Department of Public Health staff performing inspections, law
10 enforcement or other emergency personnel, and contractors
11 working on jobs unrelated to medical cannabis, such as
12 installing or maintaining security devices or performing
13 electrical wiring.

14 (e) A cultivation center may not sell or distribute any
15 cannabis to any individual or entity other than a dispensary
16 organization registered under this Act.

17 (f) All harvested cannabis intended for distribution to a
18 dispensing organization must be packaged in a labeled medical
19 cannabis container and entered into a data collection system.

20 (g) No person who has been convicted of an excluded offense
21 may be a cultivation center agent.

22 (h) Registered cultivation centers are subject to random
23 inspection by the State Police.

24 (i) Registered cultivation centers are subject to random
25 inspections by the Department of Agriculture and the Department
26 of Public Health.

1 (j) A cultivation center agent shall notify local law
2 enforcement, the State Police, and the Department of
3 Agriculture within 24 hours of the discovery of any loss or
4 theft. Notification shall be made by phone or in-person, or by
5 written or electronic communication.

6 (k) A cultivation center shall comply with all State and
7 federal rules and regulations regarding the use of pesticides.
8 (Source: P.A. 98-122, eff. 1-1-14.)

9 (410 ILCS 130/130)

10 (Section scheduled to be repealed on January 1, 2018)

11 Sec. 130. Requirements; prohibitions; penalties;
12 dispensing organizations.

13 (a) The Department of Financial and Professional
14 Regulation shall implement the provisions of this Section by
15 rule.

16 (b) A dispensing organization shall maintain operating
17 documents which shall include procedures for the oversight of
18 the registered dispensing organization and procedures to
19 ensure accurate recordkeeping.

20 (c) A dispensing organization shall implement appropriate
21 security measures, as provided by rule, to deter and prevent
22 the theft of cannabis and unauthorized entrance into areas
23 containing cannabis.

24 (d) Except in a municipality with a population of 500,000
25 or more or an area certified as a River Edge Redevelopment Zone

1 under Section 10-5.3 of the River Edge Redevelopment Zone Act,
2 a ~~A~~ dispensing organization may not be located within 1,000
3 feet of the property line of a pre-existing public or private
4 preschool or elementary or secondary school or day care center,
5 day care home, group day care home, or part day child care
6 facility. A registered dispensing organization may not be
7 located in a house, apartment, condominium, or an area zoned
8 for residential use. The proper zoning authority in a
9 municipality with a population of 500,000 or more or an area
10 certified as a River Edge Redevelopment Zone under Section
11 10-5.3 of the River Edge Redevelopment Zone Act may adopt its
12 own zoning requirements with regard to the location of a
13 registered dispensing organization and its proximity to a
14 pre-existing public or private preschool or elementary or
15 secondary school or day care center, day care home, group day
16 care home, part day child care facility, or area zoned for
17 residential use.

18 (e) A dispensing organization is prohibited from acquiring
19 cannabis from anyone other than a registered cultivation
20 center. A dispensing organization is prohibited from obtaining
21 cannabis from outside the State of Illinois.

22 (f) A registered dispensing organization is prohibited
23 from dispensing cannabis for any purpose except to assist
24 registered qualifying patients with the medical use of cannabis
25 directly or through the qualifying patients' designated
26 caregivers.

1 (g) The area in a dispensing organization where medical
2 cannabis is stored can only be accessed by dispensing
3 organization agents working for the dispensing organization,
4 Department of Financial and Professional Regulation staff
5 performing inspections, law enforcement or other emergency
6 personnel, and contractors working on jobs unrelated to medical
7 cannabis, such as installing or maintaining security devices or
8 performing electrical wiring.

9 (h) A dispensing organization may not dispense more than
10 2.5 ounces of cannabis to a registered qualifying patient,
11 directly or via a designated caregiver, in any 14-day period
12 unless the qualifying patient has a Department of Public
13 Health-approved quantity waiver.

14 (i) Before medical cannabis may be dispensed to a
15 designated caregiver or a registered qualifying patient, a
16 dispensing organization agent must determine that the
17 individual is a current cardholder in the verification system
18 and must verify each of the following:

19 (1) that the registry identification card presented to
20 the registered dispensing organization is valid;

21 (2) that the person presenting the card is the person
22 identified on the registry identification card presented
23 to the dispensing organization agent;

24 (3) that the dispensing organization is the designated
25 dispensing organization for the registered qualifying
26 patient who is obtaining the cannabis directly or via his

1 or her designated caregiver; and

2 (4) that the registered qualifying patient has not
3 exceeded his or her adequate supply.

4 (j) Dispensing organizations shall ensure compliance with
5 this limitation by maintaining internal, confidential records
6 that include records specifying how much medical cannabis is
7 dispensed to the registered qualifying patient and whether it
8 was dispensed directly to the registered qualifying patient or
9 to the designated caregiver. Each entry must include the date
10 and time the cannabis was dispensed. Additional recordkeeping
11 requirements may be set by rule.

12 (k) The physician-patient privilege as set forth by Section
13 8-802 of the Code of Civil Procedure shall apply between a
14 qualifying patient and a registered dispensing organization
15 and its agents with respect to communications and records
16 concerning qualifying patients' debilitating conditions.

17 (l) A dispensing organization may not permit any person to
18 consume cannabis on the property of a medical cannabis
19 organization.

20 (m) A dispensing organization may not share office space
21 with or refer patients to a physician.

22 (n) Notwithstanding any other criminal penalties related
23 to the unlawful possession of cannabis, the Department of
24 Financial and Professional Regulation may revoke, suspend,
25 place on probation, reprimand, refuse to issue or renew, or
26 take any other disciplinary or non-disciplinary action as the

1 Department of Financial and Professional Regulation may deem
2 proper with regard to the registration of any person issued
3 under this Act to operate a dispensing organization or act as a
4 dispensing organization agent, including imposing fines not to
5 exceed \$10,000 for each violation, for any violations of this
6 Act and rules adopted in accordance with this Act. The
7 procedures for disciplining a registered dispensing
8 organization shall be determined by rule. All final
9 administrative decisions of the Department of Financial and
10 Professional Regulation are subject to judicial review under
11 the Administrative Review Law and its rules. The term
12 "administrative decision" is defined as in Section 3-101 of the
13 Code of Civil Procedure.

14 (o) Dispensing organizations are subject to random
15 inspection and cannabis testing by the Department of Financial
16 and Professional Regulation and State Police as provided by
17 rule.

18 (Source: P.A. 98-122, eff. 1-1-14.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."